

IN THE MATTER OF
THE APPLICATION OF
MICHAEL M. MALEKIANI, ET UX
FOR VARIANCES ON PROPERTY LOCATED
ON THE NORTH SIDE CROMWELL BRIDGE
ROAD, 310 FEET EAST OF THE CENTER-
LINE OF BEAVER BANK CIRCLE
(906 CROMWELL BRIDGE ROAD)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO: 95-113-A

* * * * *

O P I N I O N

Michael M. Malekiani filed a Petition for Variance to permit a side yard setback of 7 ft. in lieu of 10 ft; and sum of side yard setbacks of 22 ft. in lieu of 25 ft. for a proposed garage addition on the west side of his single-family dwelling at 906 Cromwell Bridge Road in the Fourth Councilmanic District.

After a hearing before the Deputy Zoning Commissioner, who denied the Petition for Variance by Order dated December 22, 1994, Mr. Malekiani timely filed an appeal. At a hearing on the appeal, the Board received testimony from Mr. Malekiani and his wife, Phyllis, as well as his documentary evidence.

Section 307 of the Baltimore County Zoning Regulations (BCZR) permits the Board of Appeals to grant a variance upon certain terms and conditions, which in pertinent part in this case, allow a variance where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requested, and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The subject property is a lot approximately 85 ft. by 130 ft. in length, rectangular in shape. Mr. Malekiani testified that his family needs the two-car garage to relieve hardships that family

Case No. 95-113-A, Michael M. Malekiani, et ux

members experience parking three vehicles, and that the two-car garage is not just a preference but a necessity. Citing vandalism to vehicles and costly repairs, as well as health and safety considerations, Petitioner would like to construct a 20 ft. by 26 ft. two-car garage on the west side of his residence which is 27 ft. from the property line; thus, his request for a 7-ft. setback from the property line in lieu of 10 ft. With an existing 15-ft. setback on the east side, the sum of the property's side yard setback will be 22 ft. rather than the required 25 ft.

Acknowledging that he could construct a 17 ft. wide two-car garage, extended into his back yard, as of right, without the need of a variance, Mr. Malekiani stated his concern for the negative effect this would bring to his neighbor's view. Petitioner reviewed difficulties his family had with starting vehicles in the winter months and of snowfall and cold weather. With vehicles in the protected garage, these hardships would be removed. Mr. Malekiani referred to a number of properties nearby with two-car garages on Beaver Bank Road, Stream Bank Court, and Red Fox Run Road. He asserted that the proposed garage would not have a negative impact on the community.

Kriste Garman testified as president of the Cromwell Valley Community Association (CVCA) as to their board's opposition to the variance, brought to their attention by the resident at 904 Cromwell Bridge Road. Ms. Garman testified that the BCZR is correct and cited the purpose of preserving privacy in this matter. She commented that there are no two-car garages on the road, nor

Case No. 95-113-A, Michael M. Malekiani, et ux

garages within the setback requirements. Examples of lots with two-car garages are not within the CVCA. Ms. Garman concurred that the CVCA board's findings were not published to the association, of which Mr. Malekiani is a member.

William Browning, of 910 Cromwell Bridge Road and a former officer of CVCA familiar with zoning matters of the area, stated that no variance has been granted in the 35 years of his residence in the community, but never actually checked County records. Mr. Browning commented on his opposition to unnecessary variances, and of Petitioner's ability to build a garage.

Counsel for the Protestants emphasized that there was no evidence submitted to the Board that the subject site was in any way peculiar, unusual or unique when compared to other properties in the neighborhood. In fact, Petitioner's property is wider than the others. In referencing case law, Counsel reviewed that unnecessary hardship must relate to the land, and not to the applicant. Hardship which is merely personal to the owner of property will not justify the granting of a variance. The difficulties of snow, parking and starting cold engines are not unique but general to residents of a neighborhood.

Upon consideration of the testimony and evidence, we do not find that there are special circumstances or conditions existing that are peculiar to the land or structure which is the subject of the variance requested. The reasons offered by Petitioner for the grant of the variance do not meet the requirements of Section 307 of the BCZR. The problems cited by Petitioner do not result from

Case No. 95-113-A, Michael M. Malekiani, et ux

any special conditions or circumstances peculiar to the subject property. Many homeowners throughout the CVCA experience the same problems related by the Malekiani family, but do not have the alternative to alleviate their difficulties with the construction of a 17-ft. wide garage without a variance.

For the reasons stated above, and as stated by the Board in public deliberation on May 11, 1995, we will deny the Petition for Variance.

O R D E R

IT IS THEREFORE, this 6th day of June, 1995 by the County Board of Appeals of Baltimore County,

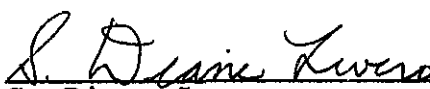
ORDERED that the Petition for Variance to permit a side yard setback of 7 ft. in lieu of 10 ft; and sum of side yard setbacks of 22 ft. in lieu of 25 ft. for a proposed garage addition on the west side of Petitioner's single-family dwelling at 906 Cromwell Bridge Road be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


Harry E. Buchheister, Jr.


S. Diane Levero



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 6, 1995

Mr. & Mrs. Michael M. Malekiani
906 Cromwell Bridge Road
Towson, MD 21286

RE: Case No. 95-113-A
Michael M. Malekiani, et ux

Dear Mr. & Mrs. Malekiani:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Reichle for
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: C. William Clark, Esquire
Mr. & Mrs. John Burkhart
Mr. William Browning
Ms. Kriste Garman
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM
Virginia W. Barnhart, County Attorney



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 22, 1994

Mr. & Mrs. Michael M. Malekiani
906 Cromwell Bridge Road
Towson, Maryland 21286

RE: PETITION FOR VARIANCE
N/S Cromwell Bridge Road, 310' E of the c/l of Beaver Bank Circle
(906 Cromwell Bridge Road)
9th Election District - 4th Councilmanic District
Michael M. Malekiani, et ux - Petitioners
Case No. 95-113-A

Dear Mr. & Mrs. Malekiani:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. John Burkhart
904 Cromwell Bridge Road, Towson, Md. 21286

Mr. William Browning
910 Cromwell Bridge Road, Towson, Md. 21286

Ms. Kriste Garman
811 Providence Road, Towson, Md. 21286

People's Counsel
File





Petition for Administrative Variance

35-113-A

to the Zoning Commissioner of Baltimore County

for the property located at 906 CROMWELL BRIDGE ROAD, TOWSON 21286

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) ~~XXX~~ 1B02.3.B (208.31, 1955)

To permit a side yard setback of 7 feet and a sum of side yards of 22 feet in lieu of the required 10 feet and 25 feet, respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) DURING THE WINTER MONTHS WHEN CROMWELL BRIDGE RD IS PLOWED, OUR CARS ARE BURIED IN THE SNOW. SINCE I TRAVEL FREQUENTLY, IT IS VERY DIFFICULT FOR MY WIFE TO GET THE CARS OUT. A GARAGE WILL PROVIDE A SAFE AND DRY SHELTER FOR MY FAMILY, ESPECIALLY WHEN THE CHILDREN ARE DRIVEN TO SCHOOL IN THE MORNING. FURTHERMORE, THE GARAGE WILL PROVIDE ADDED INSULATION TO THE WEST PART OF THE HOUSE, THUS MAKING IT MORE ENERGY EFFICIENT.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

MICHAEL M. MALEKIANI

(Type or Print Name)

Signature

PHYLLIS MALEKIANI

(Type or Print Name)

Signature

906 CROMWELL BRIDGE ROAD

Address

(H) 821-1886

(W) 787-7897

Phone No.

TOWSON, MD 21286

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, It is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: R.T.

DATE: 9/27/94

ESTIMATED POSTING DATE: 10-09-94



Printed with Soybean Ink
on Recycled Paper

ITEM #: 116

ORDER RECEIVED FOR FILING

Date 10/10/94

By [Signature]

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 906 CROMWELL BRIDGE ROAD

address

TOWSON, MD

21286

City

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

DURING THE WINTER WHEN CROMWELL BRIDGE ROAD, A MAIN THOROUGHFARE, IS PLOWED,
OUR CARS ARE BURIED IN THE SNOW. SINCE I TRAVEL FREQUENTLY FOR BUSINESS, IT IS
A HARDSHIP FOR MY WIFE TRYING TO GET THE CARS OUT OF THE SNOW, . A GARAGE WILL
PROVIDE A SAFE AND DRY SHELTER FOR MY FAMILY, ESPECIALLY THE CHILDREN, WHEN
THEY ARE DRIVEN TO SCHOOL IN THE MORNINGS. FURTHERMORE, THE GARAGE WILL PROVIDE
ADDED INSULATION TO THE WEST PART OF THE HOUSE, MAKING IT MORE ENERGY EFFICIENT.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

(signature)

M. Malekian
MICHAEL M. MALEKIANI

(type or print name)



(signature)

Phyllis Malekian
PHYLLIS MALEKIANI

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of September, 19 94, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael M. Malekian and Phyllis Malekian

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

date

9-21-94

Jacqueline S. Mingo
NOTARY PUBLIC Jacqueline S. Mingo

My Commission Expires: July 7, 1996

95-113-A

**ZONING DESCRIPTION FOR 906 CROMWELL BRIDGE ROAD
TOWSON, MD 21286**

Beginning at a point on the North side of Cromwell Bridge Road,
which is 70 ft wide at the distance of +/- 310 ft East of
Beaverbank Circle, which is 50 ft wide. Being Lot # 21 Block C,
Section # South I in the subdivision of Cromwell Valley as
recorded in Baltimore County Plat Book # 24, Folio # 45,
containing .2537 acres. Also known as 906 Cromwell Bridge Road
and located in the 9 Election District, 4 Councilmanic District.

ITEM # 116

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-113-17

District 9th Date of Posting 10/7/94

Posted for: Variano

Petitioner: Michael L. Pety His Mother

Location of property: 906 Cromwell Bridge Rd, N/S

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by M. Pety Date of return: 10/14/94
Signature

Number of Signs: 1



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 95-113-A
Towson, Maryland

District: 9th Date of Posting: 10/30/94
Posted for: Varianis
Petitioner: Michael & Phyllis Melokiani
Location of property: 906 Cromwell Bridge Rd, N/S
Location of Signs: Facing roadway on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 11/4/94
Signature
Number of Signs: 1



RECEIVED
COUNTY BOARD OF APPEALS

95 JAN 20 PM 12:28

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

95-113-A

District 9th

Date of Posting 1/14/95

Posted for: Appeal

Petitioner: Michael M. Malekian, tax

Location of property: 906 Cromwell Bridge Rd

Location of Signs: Facing roadway on property being appealed

Remarks: (No Photos &)

Posted by [Signature]
Signature

Date of return: 1/20/95

Number of Signs: 1



CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Nov. 4, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 3, 1994.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue, in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-113-A (Item 116)

906 Cromwell Bridge Road

N. 906 Cromwell Bridge Road

Towson, Maryland 21204

11/03/94

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Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

95-113-A

receipt

Date

9/27/94

Account: R-001-6150

Number 116
R.T.

MALEKIANI

906 CROMWELL BRIDGE RD.

010 - VARIANCE - \$ 50⁰⁰

080 - SIGN - \$ 35⁰⁰

TOTAL - \$ 85⁰⁰

03A03#0299MICHRC

\$85.00

BA C009:35AMD9-27-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 52949

DATE 1/6/94 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: MICHAEL MALEKIANI

FOR: 906 CROMWELL BRIDGE RD - APPEAL
95-113-A

01A01#0027MICHRC \$210.00
BA 0011:17AM01/06/95

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

dec

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 52949

DATE 1/6/94 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: MICHAEL MALEKIANI

FOR: 906 CROMWELL BRIDGE RD - APPEAL
95-113-A

01A01#0027MICHRC \$210.00
BA 0011:17AM01/06/95

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

dec

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 50246

DATE 10/24/95 ACCOUNT 70016150

AMOUNT \$ 40.00

RECEIVED
FROM:

FOR: Challenge to Admin Ver.

PAID TO ORDER OF CHALLENGE TO ADMIN VER. \$ 40.00
BY RECEIVED DATE 10/24/95

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

906 Cromwell Bridge Rd
Towson, MD 21286

January 2, 1995

Attn: Mr. Arnold Jablon, Director
County Board of Appeals
Office of Zoning Administration
and Development Management
111 West Chesapeake Ave
Towson, MD 21204

RE: Case No. 95-113A (item 116)
906 Cromwell Bridge Road

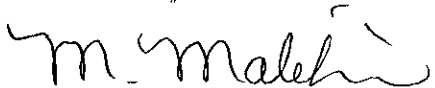
Dear Mr. Jablon,

On December 22, 1994 a decision was made on the above
referenced case, and we would like to file an appeal on that
decision.

Enclosed is a check for \$210.00 to cover the fees and
expenses associated with the appeal.

If you have any questions I can be reached at home at
821-1886 or at work at 787-7897.

Sincerely



Michael and Phyllis Malekian

enc.

RECEIVED

JAN 4 1995

ZADM

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 95-113-A
Petitioner(s): Cromwell Valley Community Assoc.
Location: Bounded by Cromwell Bridge Rd.,
Providence****Rd., Bearband Circle

I/WE, Cromwell Valley Comm. Assoc., Kriste Garman, Pres.
Name(s) (TYPE OR PRINT)

(☒) Legal Owners (☒) Residents, of

811 Providence Rd. B
Address

Baltimore, MD 21286 823-4972
City/State/Zip Code Phone

which is located approximately 1000 feet from the
property which is the subject of the above petition, do hereby formally
request that a public hearing be set in this matter.

Kriste S. Garman 10/24/94
Signature for Cromwell Valley Comm. Assoc. Date
Signature Date

We are ~~are~~ representing members of the
community who live within
1000 ft. of variance location.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 7, 1994

COPY

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Michael and Phyllis Malekiani
906 Cromwell Bridge Road
Towson, Maryland 21286

Re: CASE NUMBER: 95-113-A (Item 116)
906 Cromwell Bridge Road
N/S Cromwell Bridge Road, 310' E of c/l Beaver Bank Circle
9th Election District - 4th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before October 9, 1994. The closing date (October 24, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director



TO: PUTUXENT PUBLISHING COMPANY

November 3, 1994 Issue - Jeffersonian

Please forward billing to:

Michael and Phyllis Malekiani
906 Cromwell Bridge Road
Towson, Maryland 21286
821-1886

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-113-A (Item 116)

906 Cromwell Bridge Road

N/S Cromwell Bridge Road, 310' E of c/l Beaver Bank Circle

9th Election District - 4th Councilmanic

Petitioner(s): Michael and Phyllis Malekiani

HEARING: FRIDAY, NOVEMBER 18, 1994 at 3:00 p.m. in Room 106, County Office Building.

Variance to permit a side yard setback of 7 feet and a sum o
side yards of 22 feet in lieu of the required 10 feet and 25 feet, respectively.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 28, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-113-A (Item 116)

906 Cromwell Bridge Road

N/S Cromwell Bridge Road, 310' E of c/l Beaver Bank Circle

9th Election District - 4th Councilmanic

Petitioner(s): Michael and Phyllis Melekiani

HEARING: FRIDAY, NOVEMBER 18, 1994 at 3:00 p.m. in Room 106, County Office Building.

Variance to permit a side yard setback of 7 feet and a sum of side yards of 22 feet in lieu of the required 10 feet and 25 feet, respectively.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Michael and Phyllis Malekiani
Kriste S. Garman

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 18, 1994

NOTICE OF REASSIGNMENT

Rescheduled from 11/18/94
CASE NUMBER: 95-113-A (Item 116)
906 Cromwell Bridge Road
N/S Cromwell Bridge Road, 310' E of c/l Beaver Bank Circle
9th Election District - 4th Councilmanic
Petitioner(s): Michael and Phyllis Melekiani

Variance to permit a side yard setback of 7 ft. and a sum of side yards
of 22 ft. in lieu of the required 10 ft. and 25 ft., respectively.

HEARING: WEDNESDAY, DECEMBER 14, 1994 at 10:00 a.m. in Room 118, Old
Courthouse, 400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name.

ARNOLD JABLON
DIRECTOR

cc: Michael and Phyllis Malekiani
Cromwell Valley Community Assoc./Kriste Garman





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 31, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 95-113-A

MICHAEL M. MALEKIANI, ET UX -Petitioner
N/s Cromwell Bridge Road, 310' E of c/l of
Beaver Bank Circle (906 Cromwell Bridge Rd)
9th Election District
4th Councilmanic District

VAR -To permit side yard setback of 7' in lieu
of 10'; and sum of side yd setbacks of 22' in
lieu of 25' for proposed garage addition on
west side of existing dwelling.

12/22/94 -D.Z.C.'s Order in which Petition for
Variances is DENIED.

ASSIGNED FOR:

THURSDAY, MAY 11, 1995 at 10:00 a.m.

cc: Mr. & Mrs. Michael M. Malekiani
ENTERED - C. William Clark, Esquire
APPEARANCE
5/3/95 Mr. & Mrs. John Burkhardt
Mr. William Browning
Ms. Kriste Garman

Appellants /Petitioners
Counsel for ~~Appellants /Petitioners~~
CROMWELL VALLEY
COMM. ASSOC.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

NOTE: PLEASE RETURN SIGN & POST TO ROOM 49 ON ASSIGNED DAY OF HEARING.



Case No. 95-143-A

Michael M. Malekian, et ux

N/s Cromwell Bridge Road, 310 ft. East of
the c/l of Beaver Bank Circle
(906 Cromwell Bridge Road)

9th District

Appealed: 1/4/95

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCT. 17 1994

Michael M. Malekiani
906 Cromwell Bridge Road
Baltimore, Maryland 21206

Re:Item,#116 ,Case #95-113

Dear Petitioner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 27, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10-7-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: * 116 (RT)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

OCT. 07 1994

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: October 17, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
RWB Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for October 17, 1994
Item No. 116

The Developers Engineering Section has reviewed the subject zoning item. Prior to removal of any existing curb for entrances, the developer shall obtain a permit from the Dept. of Public Works, Bureau of Highways and Traffic, Attn: Lynne Beck at 887-3932.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 11, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 113, 116, 119, 120 and 121.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL:lw

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 10/10/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

LOCATION: DISTRIBUTION MEETING OF 10/11/94

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 113, 114, 116, 117, 119,
120, 121, 122 AND 123.

RECEIVED
OCT 11 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 6, 1995

Mr. & Mrs. John Burkhart
904 Cromwell Bridge Road
Towson, MD 21286

Mr. William Browning
910 Cromwell Bridge Road
Towson, MD 21286

Ms. Kriste Garman
811 Providence Road
Towson, MD 21286


RE: Petition for Variance
N/S Cromwell Bridge Road, 310 ft. East
of the c/l of Beaver Bank Circle
(906 Cromwell Bridge Road)
9th Election District
4th Councilmanic District
Michael M. Malekiani, et ux-Petitioner
Case No. 95-113-A

Dear Mr. & Mrs. Burkhart, Mr. Browning, and Ms. Garman:

Please be advised that an appeal of the above-referenced case was filed in this office on January 4, 1994 by Michael and Phyllis Malekiani. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,


ARNOLD JABLON
Director

AJ:jaw

People's Counsel

95 JAN -6 AM 11:14
COUNTY CLERK
JAN 10 1995



APPEAL

Petition for Variance
N/S Cromwell Bridge Road, 310 ft.
East of the c/l of Beaver Bank Circle
(906 Cromwell Bridge Road)
9th Election District - 4th Councilmanic District
Michael M. Malekiani, et ux -PETITIONER
Case No. 95-113-A

Petition(s) for Variance

Description of Property

Request for Hearing

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Petition for Variance
2 - Six Photographs

Letter from Cromwell Valley to Arnold Jablon dated December 6, 1994

Letter of explanation from Petitioners Michael and Phyllis Malekiani

Covenants of Cromwell Valley

Deputy Zoning Commissioner's Order dated December 22, 1994 (Denied)

Notice of Appeal received on January 4, 1994 from Michael and
Phyllis Malekiani

c: Mr. and Mrs. Michael M. Malekiani, 906 Cromwell Bridge Road,
Towson, MD 21286
Mr. & Mrs. John Burkhart, 904 Cromwell Bridge Road, Towson, 21286
Mr. William Browning, 910 Cromwell Bridge Road, Towson, MD 21286
Ms. Kriste Garman, 811 Providence Road, Towson, MD 21286
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

1/31/95 -Notice of Assignment for hearing scheduled for Thursday,
May 11, 1995 at 10:00 a.m. sent to following:

Mr. & Mrs. Michael M. Malekiani
Mr. & Mrs. John Burkhardt
Mr. William Browning
Ms. Kriste Garman
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Michael M. Malekiani, et ux -Petitioners
Case No. 95-113-A

DATE : May 11, 1995 /at conclusion of hearing

BOARD /PANEL : Robert O. Schuetz (ROS)
Harry E. Buchheister, Jr. (HEB)
S. Diane Levero (SDL)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present at this deliberation included M/M Malekiani, Petitioners; and C. William Clark, Counsel for Protestants.

ROS: Explained in opening comments, and particularly for the benefit of Petitioner, that the deliberations do not go on the record. The Board keeps minutes of the proceeding from here on out; so that the record is clear where the evidence and testimony ceased and what is going to be discussed among Board members here. We are not in the normal proceeding where the court reporter is required.

Also for the benefit of Petitioner, Chairman Schuetz then read Section 307.1 of the Baltimore County Zoning Regulations, particularly noting that portion regarding "The zoning commissioner of Baltimore County and the county board of appeals, upon appeal, shall have...the power to grant variances...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request...."

Unknown whether Petitioner has actually explored tests set forth in 307.1, but as Mr. Clark pointed out, it's a very difficult thing to obtain. Variance is so difficult, in fact, that as Judge Cathell has indicated in 70 years, the Court of Special Appeals has only granted three variances that made it to that Court. The first test to be passed before we can consider practical difficulty or unreasonable hardship is that there must be some evidence of uniqueness to this property and this property only, as compared to any and all properties in the surrounding locale. I cannot find any reason to believe there is anything peculiar to this land or structure which would preclude the property owner from building a garage as a matter of right to the side of his property. Nor do I see any reason to believe that he could not build to the rear of the property and still be able to maintain side yard setback requirements. I empathize and sympathize with Petitioner in that he is trying to do what he believes to be the right thing by building on the side of the house; minimizes impact to neighbor's view. I realize and appreciate candor and intent. But the fact is that he could still build as a matter of

right, and after having reviewed covenants and having read the file, I find that he does not necessarily meet the intent of the covenants, and does not have conditions which exist on his property which are peculiar to that property; the spirit and intent of the zoning regulations not met; Petitioner does not meet requirements.


Therefore, for all of above reasons, Petitioner does not meet the test to get to practical difficulty or unreasonable hardship. Shoveling snow and scraping ice off windows is part of living in this climate. Also, many other cars are vandalized. Not an issue to be considered by this Board for practical difficulty or unreasonable hardship. Will therefore deny request; garage can be placed elsewhere on the property as a matter of right.

SDL: I would concur with Mr. Schuetz. I sympathize with Petitioners' difficulty. The procedures are new for them, and for average citizen who has never before been before this Board. The Board can only go by the law, and the law applies to everyone. And it must be applied equally to everyone. And Mr. Schuetz has stated it fully. There is nothing personal involved. We are simply applying the law equitably; we cannot make the law.

HEB: This petition for building a garage is not really that difficult to decide for me because, as Mr. Clark has said, Petitioner can build a garage 17' x 26', and I cannot count on my two hands how many cases where people have come in here with garages already built that had to be taken down. But for the most part, they could not build a garage or carport at all because of setback requirement. It's the law. And we sympathize. I sense very keenly the difficulties Petitioner has in the winter time because we all experience that. But I'm sure Petitioner realizes he has a final solution. This Petition should be denied. Garage which Petitioner can build would accommodate and give solutions he is looking for. Evidence to be considered here; this variance should be denied.

Closing by ROS: This concludes matter. The Board will issue a written Opinion and Order pursuant to today's decision. Any Petition for Judicial Review must be filed within 30 days from date of written Order and not from today's date.

Respectfully submitted,


Kathleen C. Weidenhammer
Administrative Assistant

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM R. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
J. JOSEPH CURRAN, III
STUART A. SCHATZ

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823.

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

2 May 1995

Baltimore County Board of Appeals
Old County Court House
400 Washington Avenue, Room 48
Towson, MD 21204

Re: 906 Cromwell Bridge Road
Case No. 95-113-A

Dear Sir or Madam:

Please enter the appearance of C. William Clark and Nolan, Plumhoff & Williams, Chartered, as counsel for Cromwell Valley Community Association, Inc., in the above-captioned matter.

Very truly yours,


C. William Clark

/mh

cc: Kriste S. Garman, President
Cromwell Valley Community Association, Inc.

Mr. and Mrs. Michael M. Malekiani

95 MAY -3 6:11:19

12/8/94 TO GS all mail 5899-94

CROMWELL VALLEY CC & VA

811 Providence Rd.
Baltimore, MD 21286
December 6, 1994

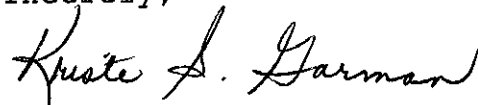
Mr. Arnold Jablon, Director
Zoning Administration and Development Mgt.
111 West Chesapeake Ave.
Towson, MD 21204

Mr. Jablon,

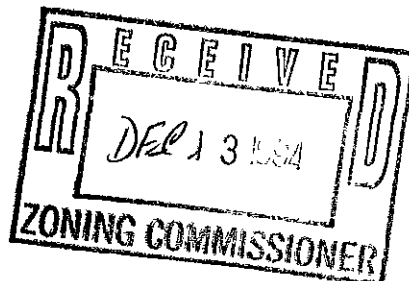
The Cromwell Valley Community Association would like to request a rescheduling of the zoning hearing on case number 95-113-A, currently scheduled for December 14. The person who will be representing us will be out of town from December 7 through 19. We are aware that the hearing has been rescheduled once already, but hope that we will be granted the same rights as the petitioners, and that a hearing date that is convenient to all parties concerned can be arranged.

Thank you for your consideration of this matter.

Sincerely,



Kriste S. Garman
President, Cromwell Valley Community
Association



RECEIVED

DEC 8 1994

ZADM

COVENANTS OF CROMWELL VALLEY

1. That said lots shall be used for residential purposes only and no dwelling shall be erected or placed on any lot having a width of less than sixty feet at the front building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 6600 square feet, and no dwelling costing less than \$12,500.00 shall be permitted on any lot.
2. That no provision contained herein shall operate to exclude physicians or dentists from practicing their profession on said property.
3. No dwelling shall be constructed unless the area of the main structure at first floor level exclusive of one story open porches and garages shall be at least 1100 square feet in the case of a one story structure and in the case of a dwelling of more than one story the combined floor area at ground level and above shall be at least 1200 square feet.
4. That no structure of any kind shall be erected, altered or permitted on any one lot of ground other than a detached dwelling house for not more than one family not to exceed 2½ stories in height and a private garage for not more than two cars.
5. No building shall be located on any lot nearer than thirty feet to the front line or nearer than thirty feet to any side street line. No building shall be located nearer than ten feet to an interior line except for a carport, which carport may include a closed storage area, which storage area shall be no larger than eight feet in width and ten feet in length attached to and part of a carport which carport must be attached to and become part of the house erected on the lot, excepting further that a garage may be located nearer than ten feet to an interior lot line provided that in no event shall the garage be less than forty-five feet from the minimum building setback line. For the purposes of this covenant, eaves, steps, bay windows and porches shall not be considered as a part of a building.
6. No trailer, basement, tent, shack, garage or any structure of a temporary character erected or maintained on any building lot shall at any time be used as a residence temporarily or permanently.
7. No animals of any kind, livestock or poultry of any kind, shall be kept or permitted to be kept raised, bred or maintained on any lot except domestic dogs and cats, or other household pets, provided not more than two such animals are kept on the premises.
8. No nuisance of any kind shall be maintained or allowed on any lot, nor shall any use thereof be made or permitted which shall or may be noxious or dangerous to the health or safety of the surrounding or adjoining property or the owners thereof.
9. That no signs of any kind of billboards, poster or advertising signs of any character shall be erected or maintained on any lot or any part of the lots without the written consent of Cromwell Valley, Inc., its successors and assigns, except one professional sign for a physician or dentist of not more than one square foot or one sign of not more than five square feet advertising the property for sale or rent, or signs used by Cromwell Valley, Inc., its successors or assigns, advertising the property during the course of construction and sales period.

10. No building shall be erected, placed or altered, rebuilt or restored on any building lot in this subdivision until the building plans, specifications and plot plan showing the location of such building have been approved in writing as to conformity and harmony of external design with existing structures in the subdivision and as to location of the building with respect to topography and finished ground elevation, as well as the type of construction and materials to be used.

11. No fence, hedges or wall shall be erected or maintained between the front street line and the minimum front building setback line unless approved. Partition fences may be erected in the rear of the building along the dividing lines and rear property lines, which fences, however, must not exceed 3½ feet in height. Fences erected shall not be permitted to obstruct surface water drainage.

12. These covenants are to run with each and every lot and shall be binding on all persons, firms, corporations having title, claim or interest therein, or any part thereof either as owner, tenant or otherwise for the period from the date of execution of this Agreement to December 31, 1982, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.

13. Any person, firm, corporation or association owning any of the above lots, subject to these restrictions shall have the right to institute and prosecute any proceedings at law or in equity to obtain enforcement or compliance with these restrictions or to recover damages.

Post-it brand

Fax Transmittal Memo 7672

To ZONING COMMISSIONER

Company

Location

Fax # 887-3468 Telephone #

Comments REQUEST FOR POSTPONEMENT

No. of Pages 1

Today's Date 11-14-94 Time

From

Company

Location

Fax #

Telephone # 787-7897

Disc. d.

[] Use for

[] Return

[] Call for pickup

NOVEMBER 14, 1994

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

CASE NO : 95-113-A (ITEM 116)

906 CROMWELL BRIDGE ROAD

I WOULD LIKE TO REQUEST A POSTPONEMENT TO THE HEARING SCHEDULED FOR NOVEMBER 18 IN REFERENCE TO THE ABOVE CASE. THE REASON FOR THIS REQUEST IS THAT MY WIFE WILL BE OUT OF TOWN ON THAT DATE AND SHE WANTS TO BE ABLE TO ATTEND.

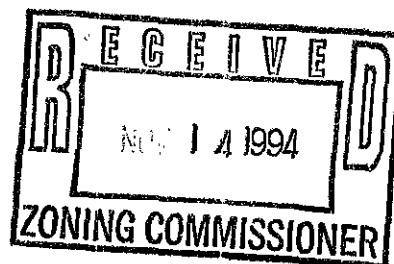
I WOULD APPRECIATE YOUR RE-SCHEDULING THE HEARING FOR THE NEXT AVAILABLE TIME.

MY TELEPHONE NUMBER AT WORK IS 787-821-1886 AND AT HOME IT IS 821-1886.

SINCERELY,



M. MALEKIAN



Given: Cherry Garman 823-4972
 Postponement granted!
 Reset another day. Be
 sure to include Cromwell
 Valley Assoc of new date

CASE NUMBER 95-113-A
906 Cromwell Bridge Rd
Petitioners: Michael and Phyllis Malekiani

VARAINCE TO PERMIT A SIDE YARD SETBACK OF 7 FT. AND A SUM OF SIDE YARDS OF 22 FT. IN LIEU OF THE REQUIRED 10FT. AND 25 FT., RESPECTIVELY.

Our house is located on Cromwell Bridge Road, a main thoroughfare. Our cars are parked along this street. During the winter when Cromwell Bridge Rd is plowed, our cars are buried in the snow. Since I travel extensively for business, it is a hardship for my wife to get the cars out from under the snow. A garage will provide a safe and dry shelter for my family, especially the children when they are driven to school in the mornings.

One of our cars has rusted and the other one has started to rust. We recently bought a new car and I would like to be able to house at least two of the cars in a garage.

In addition, the garage will provide added insulation to the west part of the house, making it more energy efficient.

There are many homeowners in Cromwell Valley that have built 2-car garages or 2-car carports. We all have the same setbacks, and what is more, our lot is much larger than the average lot in the neighborhood.

Prior to applying for the variance I discussed my plans with my next door neighbor, Mr. Burkhart. Not only did he not object, he was very supportive of the idea. Later on it seems that he was misinformed that I am trying to change the zoning and he raised objections. To show my good will, I will not built a fence at my property line if I am granted the variance.

COVENANTS OF CROMWELL VALLEY

1. That said lots shall be used for residential purposes only and no dwelling shall be erected or placed on any lot having a width of less than sixty feet at the front building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 6600 square feet, and no dwelling costing less than \$12,500.00 shall be permitted on any lot.
2. That no provision contained herein shall operate to exclude physicians or dentists from practicing their profession on said property.
3. No dwelling shall be constructed unless the area of the main structure at first floor level exclusive of one story open porches and garages shall be at least 1100 square feet in the case of a one story structure and in the case of a dwelling of more than one story the combined floor area at ground level and above shall be at least 1200 square feet.
4. That no structure of any kind shall be erected, altered or permitted on any one lot of ground other than a detached dwelling house for not more than one family not to exceed 2½ stories in height and a private garage for not more than two cars.
5. No building shall be located on any lot nearer than thirty feet to the front line or nearer than thirty feet to any side street line. No building shall be located nearer than ten feet to an interior line except for a carport, which carport may include a closed storage area, which storage area shall be no larger than eight feet in width and ten feet in length attached to and part of a carport which carport must be attached to and become part of the house erected on the lot, excepting further that a garage may be located nearer than ten feet to an interior lot line provided that in no event shall the garage be less than forty-five feet from the minimum building setback line. For the purposes of this covenant, eaves, steps, bay windows and porches shall not be considered as a part of a building.
6. No trailer, basement, tent, shack, garage or any structure of a temporary character erected or maintained on any building lot shall at any time be used as a residence temporarily or permanently.
7. No animals of any kind, livestock or poultry of any kind, shall be kept or permitted to be kept raised, bred or maintained on any lot except domestic dogs and cats, or other household pets, provided not more than two such animals are kept on the premises.
8. No nuisance of any kind shall be maintained or allowed on any lot, nor shall any use thereof be made or permitted which shall or may be noxious or dangerous to the health or safety of the surrounding or adjoining property or the owners thereof.
9. That no signs of any kind of billboards, poster or advertising signs of any character shall be erected or maintained on any lot or any part of the lots without the written consent of Cromwell Valley, Inc., its successors and assigns, except one professional sign for a physician or dentist of not more than one square foot or one sign of not more than five square feet advertising the property for sale or rent, or signs used by Cromwell Valley, Inc., its successors or assigns, advertising the property during the course of construction and sales period.

Bill Kidd's

Pet. Ex. 2

TIMONIUM TOYOTA VOLVO

SERVICE INVOICE



10401 YORK ROAD

VOLVO

COCKEYSVILLE, MARYLAND 21030

SERVICE DIRECT PHONE: (410) 666-5030**(410) 666-8900**

WE OFFER NO GUARANTEE OR WARRANTY ON ANY PART WHICH IS NOT SUPPLIED BY OUR PARTS DEPARTMENT AS "NEW" OR "REMANUFACTURED".

DEALER IS NEITHER WARRANTOR NOR CO-WARRANTOR OF PRODUCTS SOLD. PARTS AND LABOR RELATIVE TO THIS DOCUMENT ARE COVERED BY THE MANUFACTURER'S LIMITED WARRANTY, WHICH IS CONSPICUOUSLY DISPLAYED AT THIS PLACE OF BUSINESS. SUBLET REPAIRS ARE WARRANTED BY, AND FOR A PERIOD DEFINED BY, THE SUBLET SUPPLIER.

I ACKNOWLEDGE RETURN TO ME OF THE VEHICLE DESCRIBED HEREIN, AND THAT I AM AWARE OF AND HAVE AUTHORIZED REPAIR WORK TO BE DONE AS ITEMIZED BELOW

X *M. Mahle*

MALEKIANI, MICHAEL
906 CROMWELL BRIDGE ROAD

BALTIMORE
BALTIMORE

MD 21286

DATES: BEGIN: 042495 DONE: 042595

ADV: 312 DC: JT2

HOME: (410) 821-1886

WORK: (410) 244-4475

4T18K12E7RU858388

94 TOYOTA CAMRY LE 4DR SDN

INVOICED AT: 04/25/95 13:56:59

LIC: MD BSY349

ODOMETER IN: 3500

LN	REPLACED 4 MISSING HUBCAPS-THEFT	TECH 101	QTY	PRICE @	EXTENDED
41		OP-ACCY			.00
VEN PART NUMBER	DESCRIPTION	NOTE	QTY	PRICE @	EXTENDED
TOY 42621-32101	CAP, WHEEL		4S	67.09	268.36
PARTS AMOUNT					268.36
LINE TOTAL - DEPT D					268.36

LN	COMPOUNDED & BUFFED DECK LID TO	TECH 101	QTY	PRICE @	EXTENDED
42	REMOVE MOST SCRATCHES-OWNER KNOWS: OP-PAINT				S 120.00
	SOME CHIPS/SCRATCHES WILL REMAIN.				
	COMPLETE CAR BUFF & WAX DONE IN				
	LIEU OF DECK LID REPAINT PER				
	OWNER'S SUGGESTION & AGREEMENT.				
	LAB AMOUNT				120.00
	LINE TOTAL - DEPT D				120.00

TIMONIUM TOYOTA INC.

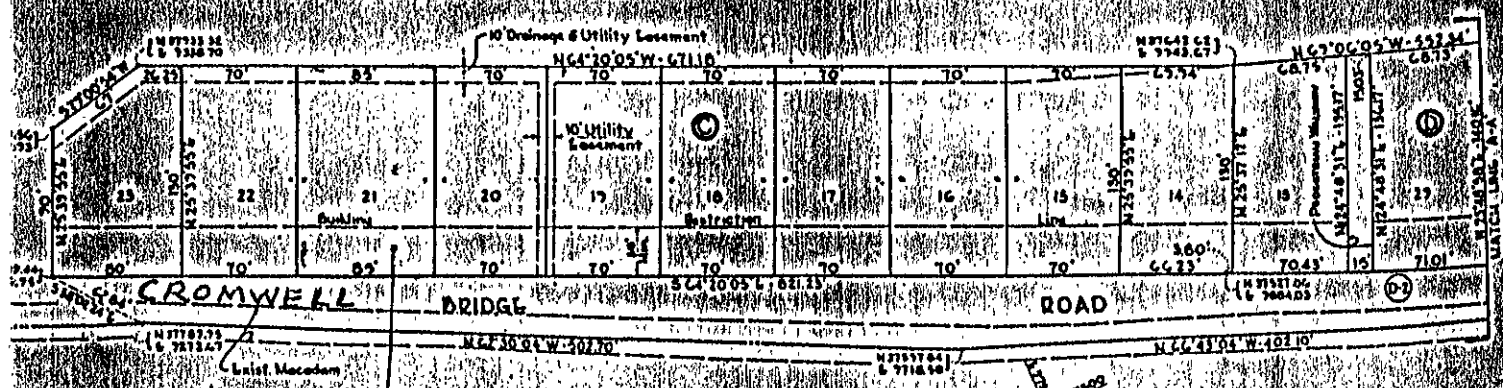
PAID CASH CHECK
CHARGE CO. MC. VISA CHOICE

PARTS	268.36
LAB-MECHANICAL	120.00
SUB-TOTAL	388.36
TAX	13.42
TOTAL-CHARGES	401.78
CASH DUE	401.78

WE APPRECIATE YOUR BUSINESS AND WE WORK HARD

DG *16793 4/24/95*

PAGE 1 OF 1



906

CROMWELL VALLEY
SECTION SOUTH 1
ELECTION DISTRICT NO. 9
BALTIMORE COUNTY MARYLAND
MAY 1967

Pet. Ex. 4



Petition for Administrative Variance

55-113-A

to the Zoning Commissioner of Baltimore County

for the property located at 906 CROMWELL BRIDGE ROAD, TOWSON 21286

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) ~~XIX~~ 1B02.3.B (208.31, 1955)

To permit a side yard setback of 7 feet and a sum of side yards of 22 feet in lieu of the required 10 feet and 25 feet, respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) DURING THE WINTER MONTHS WHEN CROMWELL BRIDGE RD IS PLOWED, OUR CARS ARE BURIED IN THE SNOW. SINCE I TRAVEL FREQUENTLY, IT IS VERY DIFFICULT FOR MY WIFE TO GET THE CARS OUT. A GARAGE WILL PROVIDE A SAFE AND DRY SHELTER FOR MY FAMILY, ESPECIALLY WHEN THE CHILDREN ARE DRIVEN TO SCHOOL IN THE MORNING. FURTHERMORE, THE GARAGE WILL PROVIDE ADDED INSULATION TO THE WEST PART OF THE HOUSE, THUS MAKING IT MORE ENERGY EFFICIENT.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

MICHAEL M. MALEKIANI

(Type or Print Name)

Signature

PHYLLIS MALEKIANI

(Type or Print Name)

Signature

906 CROMWELL BRIDGE ROAD

Address

(H) 821-1886

(W) 787-7897

Phone No.

TOWSON, MD 21286

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: RT

DATE: 9/27/94

ESTIMATED POSTING DATE: 10-09-94

Printed with Soybean Ink
on Recycled Paper

ITEM #: 116

Pet. Ex 5

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

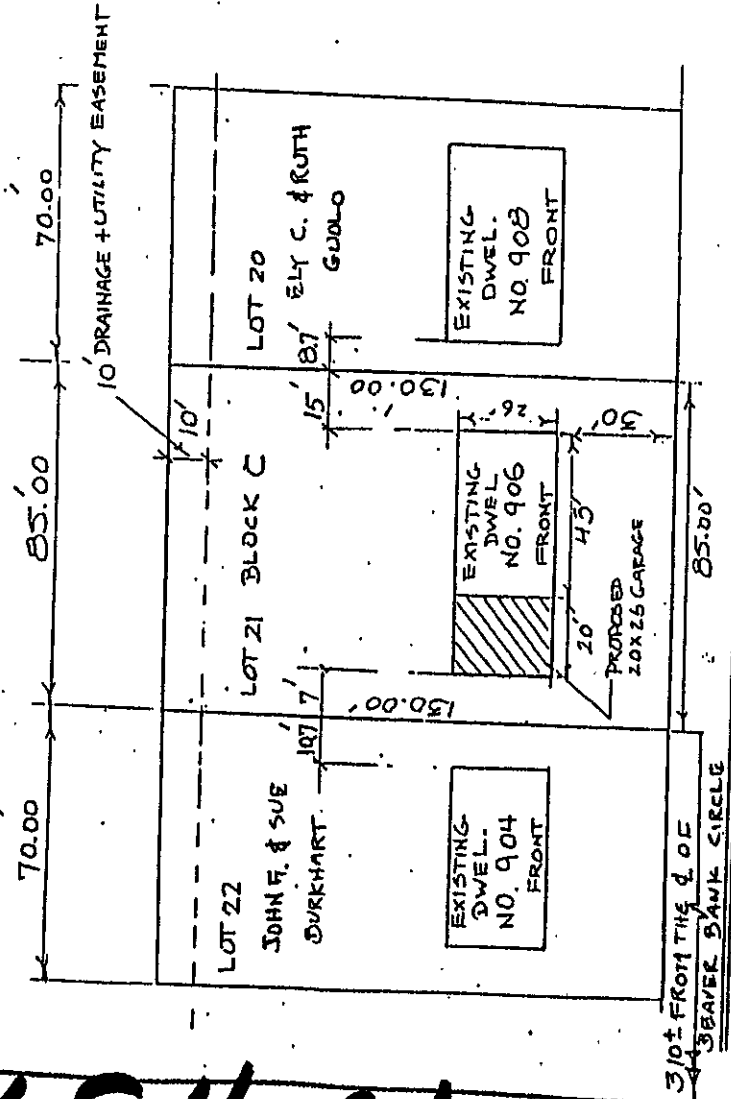
PROPERTY ADDRESS: 906 CROMWELL BRIDGE ROAD

Subdivision name: CROMWELL VALLEY TOWSON MD 21286

plat book # 24, folio # 45, lot # 21, section # SOUTH I

OWNER: MICHAEL M. & PHYLLIS MALEKIAN

see pages 5 & 6 of the CHECKLIST for additional required information



① Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 9
Councilmanic District: 4
1"=200' scale map: NE 10B
Zoning: DR. 35
Lot size: 0.254 acreage 11,050 square feet

public ☒ private ☐
SEWER: ☒ WATER: ☒
Chesapeake Bay Critical Area: ☐ 704 ☐
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: R.T.C. ITEM #: 116 CASE#:

① CROMWELL BRIDGE ROAD (70' R/W)

North
date: 9.15.94
prepared by: M.H.M

Scale of Drawing: 1"=50'

95713A

Prot. Ex. 3

CROMWELL VALLEY CC & VA

May 10, 1995

To whom it may concern:

On October 20, 1994, the Board of the Cromwell Valley Community Association met and passed a resolution to oppose the petition for a variance by Michael M. Malekiani of 906 Cromwell Bridge Road. A hearing was held on December 14, 1994, and the petition for variance was denied. The Association was subsequently informed of an appeal of the decision. At the January 23, 1995 Board meeting, a resolution was passed to continue to oppose the petition for variance, and to seek legal representation.

Sue Miskimon



Secretary, CVCA

CROMWELL VALLEY



May 10, 1995

To whom it may concern:

The Board of the Cromwell Valley Community Association has appointed Hertha Krotkoff and/or Kriste Garman to speak for them on zoning matters.

Sue Miskimon

A handwritten signature in cursive script, reading 'Susan H. Miskimon', is written over the typed name.

Secretary, CVCA

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

MICHAEL M. MALEKIANI

906-CROMWELL BRIDGE RD

PHYLLIS MALEKIANI

TOWSON, MD, 21286

Kriste S. Garman

811 Providence Rd 21286

JOHN F. BURKHART

904 CROMWELL BRIDGE RD

SUSAN BURKHART

904 CROMWELL BRIDGE RD

WILLIAM BRUNING

910 CROMWELL BRIDGE RD

21286

95-713-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

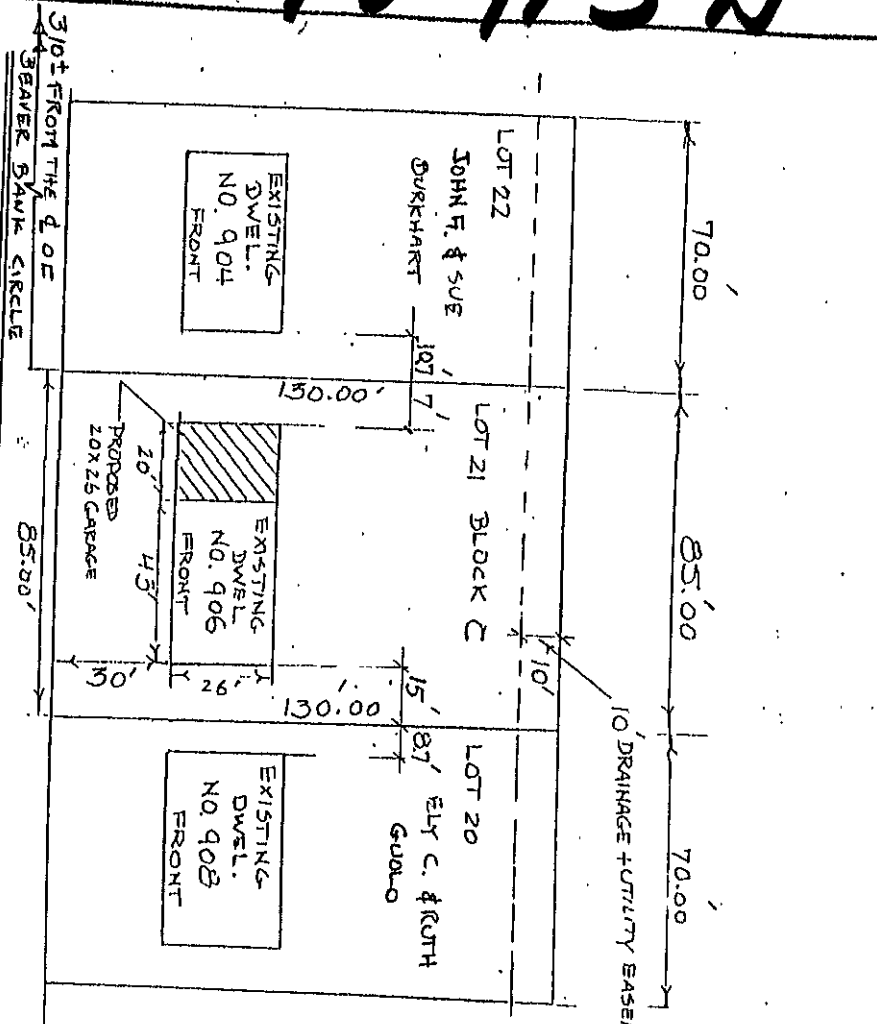
PROPERTY ADDRESS: 906 CROMWELL BRIDGE ROAD

See pages 5 & 6 of the CHECKLIST for additional required information

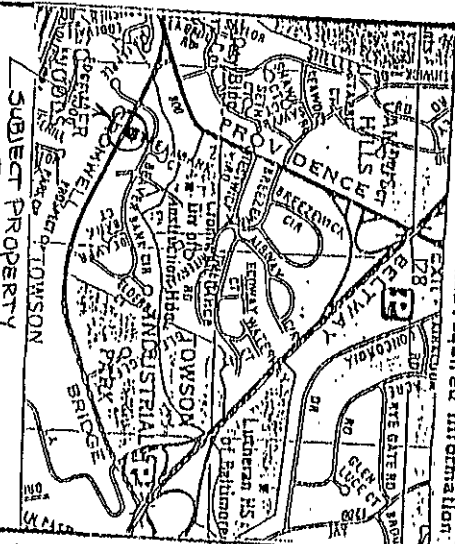
Subdivision name: CROMWELL VALLEY

TOWSON MD 21286

OWNER: MICHAEL M. & PHYLLIS MALEKIAN



EXHIBIT



LOCATION INFORMATION

Election District: 9

Councilmanic District: 4

T=200' scale map: NE 10B

Zoning: DR.3.5

Lot size: 0.254 acreage 11,050 square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private
Chesapeake Bay Critical Area: ☐ Yes ☒ No
Prior Zoning Hearings: NONE

Zoning Office USE ONLY

Reviewed by: ITEM # CASE#

R.T. 116

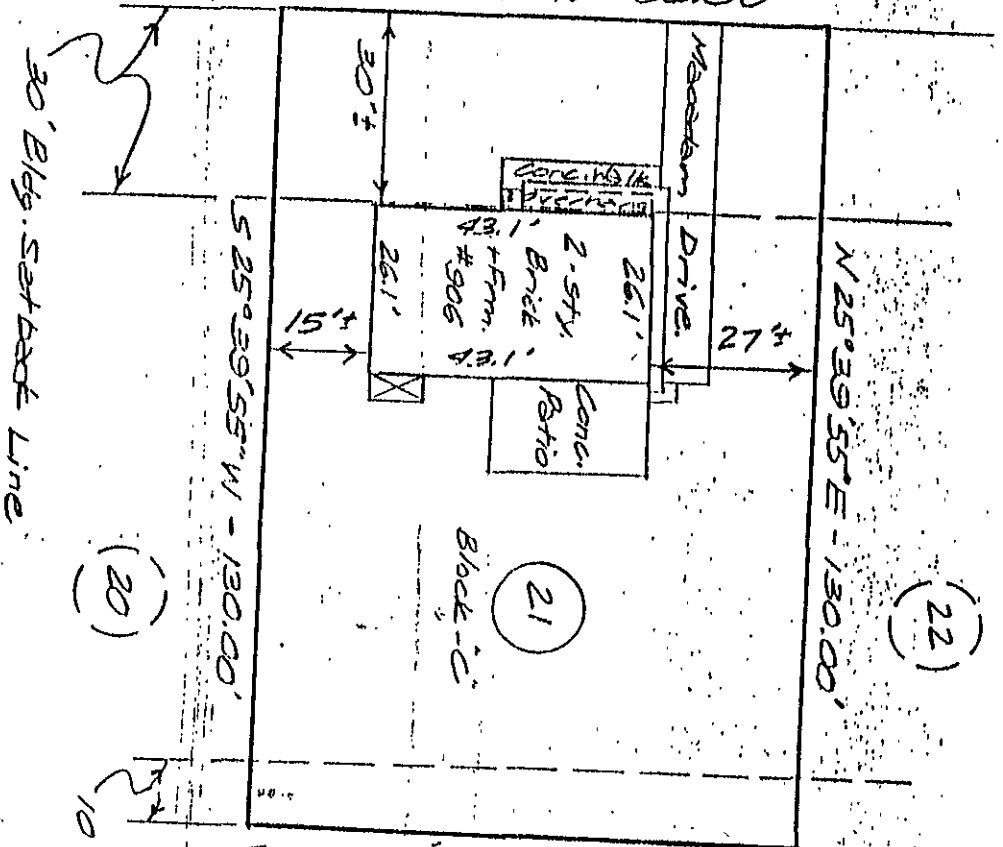
North
date: 9.15.94
prepared by: M.M.M

Scale of Drawing: 1"=50'

95-113-A

Cromwell Bridge Road

N 64° 20' 05" W - 85.00'



N 25° 39' 55" E - 130.00'

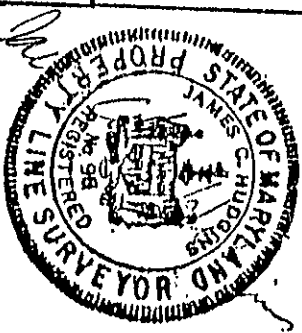
S 64° 20' 05" E - 85.00'

95-113-A

ITEM # 116

This is to certify that I have surveyed the property known as Lot - 21, Block - C as shown on the plat of "Cromwell Valley, Sec. 50th - 1" sheet - of - recorded as 25 folio - 45 among the Land Records of Baltimore County, Maryland for the purpose of locating the improvements thereon.

THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS ARE CONTAINED WITHIN THE OUTLINES OF THE LOT AND IS NOT TO BE USED TO ESTABLISH PROPERTY LINES.



J. Carl Hudgins PLS#96

LOCATION SURVEY
306 Cromwell Bridge Road
Cromwell Valley
Elec. Dist - 5 to 10 C.M.M.

NTI ASSOCIATES, INC.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Phone 442-2031

Scale: 1" = 30'

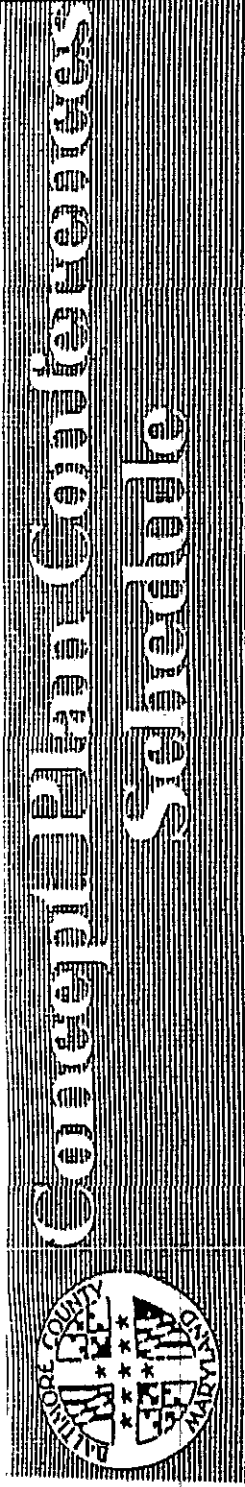
Date: 5-5-87

Field By: N.M.

Drawn By: N.M.

Drawing # 100000

Plat Book 24 Folio 5



Date:

OCTOBER 31, 1994

Meeting Location:

COUNTY OFFICE BUILDING, ROOM 301
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Time:

10:00

Project:

STANDISH ASSISTED LIVING HOME

ZADM#

III-398

Project Manager:

DAVE FLOWERS

Phone:

887-3321

Project Location:

REISTERSTOWN ROAD, SOUTH OF WILSON LANE, ABOVE 695

Elect/Council District:

3C3

Engineer:

STV GROUP

Time:

Project:

ZADM#

Project Manager:

Phone:

Project Location:

Elect/Council District:

Engineer:

Time:

Project:

ZADM#

Project Manager:

Phone:

95-113-A

95-113-A



PETITIONER'S
EXHIBIT 2A

95-113-A



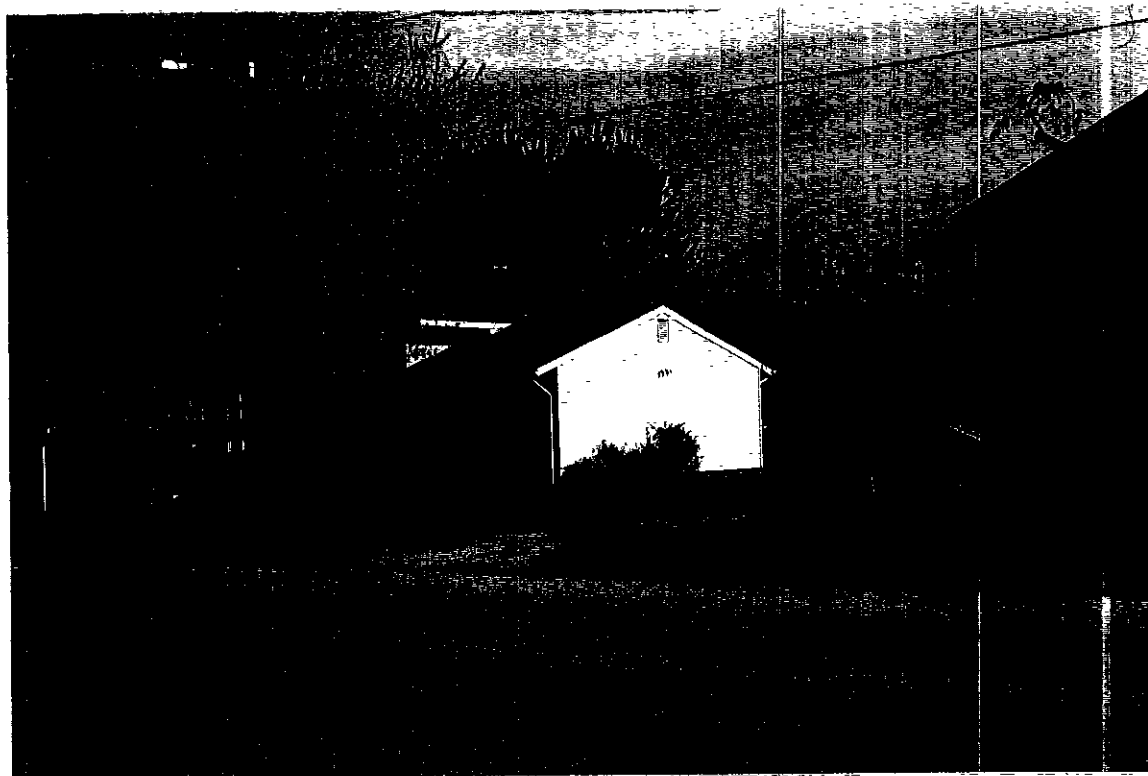
LB

LYN
DON

95-113-H



2C

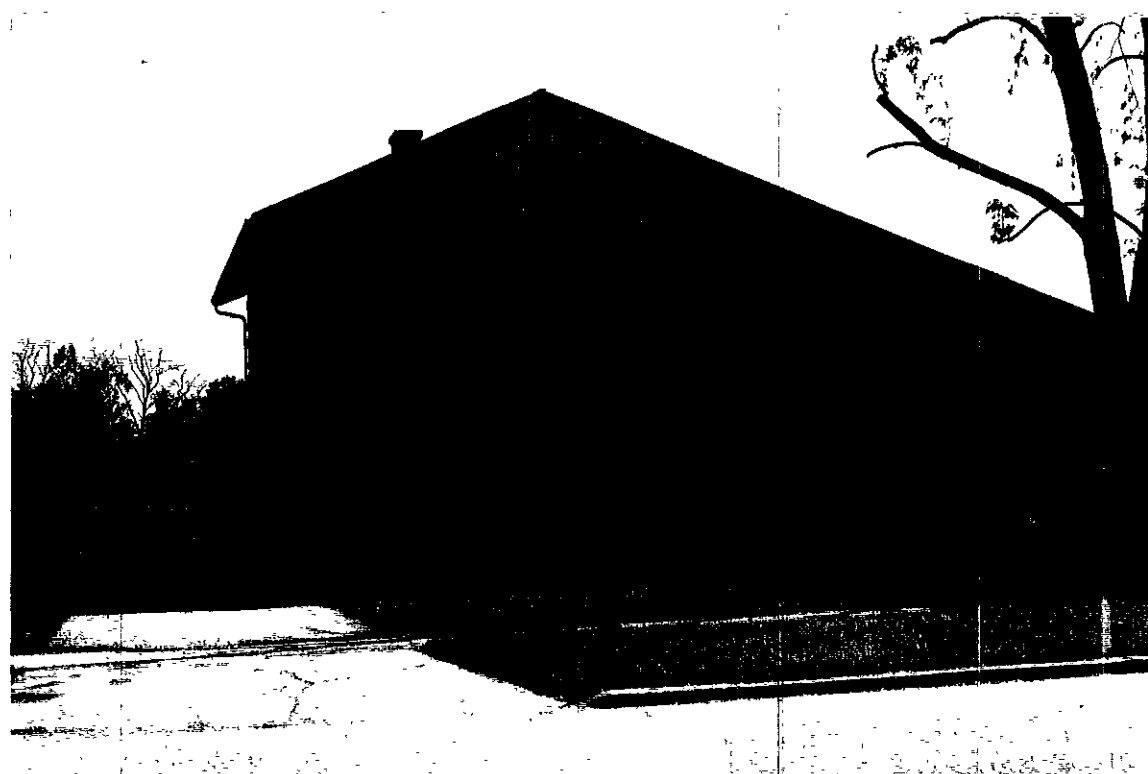


PROTESTANT'S
EXHIBITS

1A



1B



1C

12-27-64

IN RE: PETITION FOR VARIANCE * BEFORE THE
N/S Cromwell Bridge Road, 310' E *
of the c/l of Beaver Bank Circle * DEPUTY ZONING COMMISSIONER
(906 Cromwell Bridge Road) *
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District *
Case No. 95-113-A
Michael M. Malekiani, et ux *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 906 Cromwell Bridge Road, located in the subdivision of Cromwell Valley near Towson. The Petition was filed by the owners of the property, Michael and Phyllis Malekiani. The Petitioners seek a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) {Section 203.31, 1955} to permit a side yard setback of 7 feet in lieu of the required 10 feet and a sum of the side yard setbacks of 22 feet in lieu of the required 25 feet for a proposed garage addition on the west side of the existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Michael and Phyllis Malekiani, property owners. Appearing as Protestants in the matter were several residents of the surrounding community, including John and Susan Burkhardt, adjoining property owners, William Browning, and Kriste S. Garman, who appeared on behalf of the Cromwell Valley Community Association.

Testimony and evidence offered revealed that the subject property consists of 0.254 acres, more or less, zoned D.R. 3.5 and is improved with a two-story single family dwelling. The Petitioners are desirous of con-

CASE NO. 95-113-A

Date

By

structing a 20' x 26' garage on the west side of the existing dwelling; however, due to the size of the proposed garage and its encroachment into the required side yard setback, the requested variances are necessary in order to proceed as proposed.

Mr. Malekiani testified that the proposed garage is needed to provide a safe and dry environment for the family's vehicles. He testified that during inclement winter weather and after his street has been plowed, he and his wife have had difficulty shoveling out their cars. He further stated their cars are rusting because they are exposed to various elements of the weather and that the proposed garage will provide safe and easy access to his vehicles by his family.

Appearing and testifying in opposition to the Petitioners' request were Mr. & Mrs. John Burkhardt, who reside immediately adjacent to the subject property on the side of the requested variance at 904 Cromwell Bridge Road. The Burkhardts have resided on their property for the past 24 years. Mr. Burkhardt testified that while he initially supported the Petitioners' plans, they were unaware that the proposed garage would impose upon the 10-foot side yard setback required between the two properties. Once Mr. Burkhardt learned that the garage would be constructed to within 7 feet of his property line, he became concerned that the proposed garage would encroach upon his use and enjoyment of his side yard as well as the privacy he currently enjoys on his property. He believes that the Petitioners could build a garage on their property that would meet their needs, and still maintain the 10-foot side yard setback requirement.

Further corroborating the opposing testimony of Mr. Burkhardt were William Browning, who resides two doors away at 910 Cromwell Bridge Road, and Kriste Garman, who appeared on behalf of the Cromwell Valley Community

Association. Both of these individuals argued that the variance should not be granted and that the Petitioners should be required to maintain the 10-foot side yard setback requirement. The Protestants believe that the Petitioners' desire to construct a garage 20 feet in width is more of a preference than of a necessity and that a 17-foot wide garage would be adequate to meet the needs of the Petitioners.

Petitioner's Exhibit 1, a site plan of the property, shows that the Petitioners' dwelling is located 27 feet from the west side property line adjoining the Burkhardt's property. Therefore, it appears that the Petitioners could construct a garage on that side of their home up to 17 feet in width without the need for a variance. It also appears, given the fact that the garage is proposed to be 26 feet deep, that the Petitioners could park both of their vehicles inside the garage, one behind the other, as opposed to parking them side by side.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

ORDER PREPARED FOR FILING

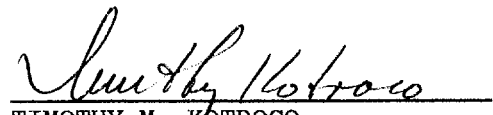
Date

By

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by the Petitioner was more in support of a matter of preference rather than of the necessity for the variance. I believe the Petitioners could build a garage which would adequately meet their needs and still maintain the 10-foot side yard setback from the Burkhardt's property line. Furthermore, it is noted that there are no other two-car garages located in this community along Cromwell Bridge Road. To construct such a large garage at this location would be out of character with the surrounding locale. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of December, 1994 that the Petition for Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.){Section 203.31, 1955} to permit a side yard setback of 7 feet in lieu of the required 10 feet and a sum of the side yard setbacks of 22 feet in lieu of the required 25 feet for a proposed 20' x 26' garage on the west side of the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/22/94
By [Signature]



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

ITEM # 116

SCALE	LOCATION	SHEET
1" = 200'	EUDOWOOD	N.E.
DATE OF PHOTOGRAPHY	TOWSON ESTATES	10-B
JANUARY 1986	TOWSON HEIGHTS	